

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JON LANE, PATRICIA LANE, and
JOHN TWIEHAUS,

Plaintiffs,

VS.

AMERICAN FAMILY INSURANCE,

Defendant.

4:04CV3396

MEMORANDUM AND ORDER

This matter is before the court on a report and recommendation by Magistrate Judge Piester (filing 27) regarding Defendant's motion to dismiss (filing 6). No objection to the report and recommendation has been filed, and the 10-day period prescribed by Fed. R. Civ. P. 72(b) and NECivR 72.3(a) for filing objections has expired.

Pursuant to 28 U.S.C. § 636(b)(1), I have reviewed de novo the report and recommendation. I find that inasmuch as the Magistrate Judge has fully, carefully, and correctly found the facts and applied the law, the report and recommendation should be adopted and Defendant's motion to dismiss should be granted pursuant to Fed. R. Civ. P. 12(b)(1), for lack of subject matter jurisdiction.

Accordingly,

IT IS ORDERED that:

1. The magistrate judge's report and recommendation (filing 27) is adopted;

2. Defendant's motion to dismiss (filing 6) is granted pursuant to Fed. R. Civ. P. 12(b)(1); and
3. Judgment shall be entered by separate document.

DATED: June 3, 2005.

BY THE COURT:

s/ Richard G. Kopf
United States District Judge